

1884-020 Chancery Causes: John Jayne & vs. William Jayne, Sr. &
Lee Co.

Davault, Copeland, Taylor, Wood, Clark, Mploy, Jones,
Warren, Charville, Johnson, Sims, Babb, Muncy, Southern,
Daugherty, Albert, Jesse, Robinson, Duncan

2 Plats

Ch-Estate Dispute
T-Property

-Deed

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia

Annibly complaining your Orators
John Jayne James W. Jayne Martin S. Jayne
Eleanor Jayne, would respectfully show to your
Honor that James Jayne in his lifetime by his
deed bearing date on the day of May 1858
conveyed to Russell B. Darvall and Moriah
his wife two tracts of land adjoining each
other containing, together by estimation 168
acres, all of which will fully and at large appear
by reference to said deed a copy of which is
herewith filed marked (A) Your Orators and or
atrix are advised that by this conveyance a
moiety of said land vested in the said R. B.
Darvall and the other moiety thereof vested in
the said Moriah Darvall. The said Moriah
Darvall died intestate and without issue and
her moiety of said land descended to her brother
and sisters and their descendants, The said
Moriah Darvall (formerly Moriah Jayne) had
seven brothers and sisters of the whole blood to wit
John Jayne James W. Jayne Martin S. Jayne
Eleanor Jayne, Elizabeth Jayne, who enter

married with Rodney Warren. L. S. Jayne. Lucy
Jayne who intermarried with William Muncy
and three brothers and sisters of the half blood
to wit William Jayne sen. Abigail Jayne who in-
termarried with Henry Daugherty and Catharine
Jayne who intermarried with Martin Sims.
She said Elizabeth Warren is now dead and she
left the following children her heirs at law to wit
Susan who intermarried Jacob Copeland Eliza-
beth who intermarried with M. A. Taylor Eleanor
who intermarried with Vincent Wood Jenny who
intermarried with D. C. Clark. Mary who inter-
married with J. T. Maloy Hannah who intermar-
ried with Thomas Jones. Martin S. Warren
Marion Warren and J. P. Warren. Claiborne S.
Jayne is also dead leaving the following children
his heirs at law, to wit Cynthia A. who first inter-
married with R. B. Dorant who died and she
is now the wife of William Babb. Minerva
who intermarried with W. H. Charlill. James
H. Jayne and Samuel Jayne. Lucy Muncy
is also dead leaving the following children
her heirs at law to wit James Muncy. Han-
nah who intermarried with Samuel Jones.

and Elizabeth who returned married with Nathaniel Southern. Catherine Sims is also dead leaving the following children her heirs at law to wit John D Sims James M Sims and Rf. Burchett a daughter of Sims. The said Rf. Burchett intermarried with Richmond Johnson. After the death of the said Moriah Dorantt her husband the said R. B. Dorantt continued to use occupy and enjoy said land as well the moiety of the said Moriah as his own until his death which occurred on the day of 1875. After the death of his first wife the said R. B. Dorantt intermarried with Cynthia A. Payne, a niece of his first wife, and since his death Dower has been assigned her in his lands, and as your orators and oratrix are informed the most if not her entire dower is embraced in said tracts of land conveyed jointly to him and Moriah Dorantt. The said R. B. Dorantt by his last wife had two children to wit, Mary and Jacob Clarborne Dorantt who survived him and to whom his moiety of said land descended. Now the object of your orators and oratrix bill is to have said two tracts

of land partitioned between the heirs of R. B.
Dorant and the heirs of Mariah Dorant
and to have the moiety laid off and assigned
to the heirs of Mariah Dorant partitioned
among her heirs, and if this cannot be done
without material injury to those entitled there
to and your orators and oratrix do not believe
it can be done, then to have it sold and the
proceeds of sale partitioned among them
according to their respective rights, to this
end they make, Susan Cepeland and Jacob
Cepeland her husband Elizabeth Taylor and
Herbert Taylor her husband Eleanor Wood and
Vincent Wood her husband Jerry Clark and
D. C. Clark her husband Mary Maloy and
J. T. Maloy her husband Hannah Jones and
Thomas Jones her husband Martin S. Warren
Marion Warren, J. P. Warren, Cynthia A. Bobb
and William Bobb her husband Mervin
Charterville & G. W. Charterville her husband James
H. Jayne, Samuel Jayne Jacob C. Dorant
Mary J. Dorant (the last three of whom are
infants), James J. Murrey, Hannah Jones
and Samuel Jones her husband Elizabeth

Southern and Nathaniel Southern her husband
Abigail Daugherty H^m Payne sen. John D
Sims James Mc Sims and R. F. Johnson
and Richmond Johnson her husband parties
defendants, and they pray that each one of
the adult defendants be required to answer
the several allegations hereof on oath that
a guardian ad litem be appointed for the
infant defendants and required to answer
for them, that upon a final hearing partition
be made between the heirs of Moriah Doran
and the heirs of R B Doran, that the moiety
of said lands assigned to the heirs of Moriah
Doran be partitioned among them or if
this cannot be conveniently done then that
said moiety be sold and the proceeds of sale
be partitioned. and for such other further
special and general relief as is suited
to their case May A^o be issued &c.

M D Duncan for
Complainants,

828.36 Apr 20 80

John Jayne et al

vs. Original Bill
for Jayne et al

1878. Sept 27th A.P.
for Spd Execd. on home depts
to Decree nisi vs them.
Decr. Decree nisi vs same cont.
on bill. Contd. vs nonres. depts.
A. H. Orr Jr. et al. A.L. for the
infant depts who filed their
answer & set for hearing by Wff
1879. Mr. Decree & contd.
1880. Mr. Decree & contd.
1880. Mr. & Aug. Contd.
1881. Mr. Contd. Aug. Contd.
1882 March Decree final
Chcy O.D. 247

Pr 3.00
H.L. 8.00
Cours 5.00

Customs
Err 10
527
Hyatt Ctr 1.15

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia.

Your petitioner. John Jesse would
respectfully represent and show to your Honor
that he is the Guardian of one Samuel Jayne
an infant under the age of 21 years. aged 17
years. and a resident of this County and that
he is the guardian in this State of one Minerva
Chorlevill. Late Minerva Jayne who is now a
resident of the State of Texas. That said Minerva
is an infant under the age of 21 years. aged
19 years. That the said Minerva Chorlevill
and Samuel Jayne are two of heirs of Claiborne
S. Jayne late of this County now deceased. That
said Claiborne S. Jayne at the time of his death
was seized and possessed of a valuable tract
of land situated in said County and lying
and Wallens Creek. That dower has been as-
signed in said land to the Widow of said
Claiborne S. Jayne dead who survived him
and That lately one James H. Jayne. a
son and heir of said Claiborne S. Jayne
has filed his original bill in this Court ask-
ing and seeking a partition of said lands
That Commissioners have been appointed
who have made the partition thereof and
filed their report of the same. which report
together with the bill proceeding and done
in the cause of James H. Jayne against

Legnthine A. Darault is here referred as
part of this petition, by an inspection
of which it will be found that the commission
ers have assigned to your petitioners words
lots no 3. & 4 in said portion adjoining
each other. Your Petitioner alleges and asserts
that it will be greatly to the interest of his words
if said lands were sold and the proceeds there
of invested in other lands. Your petitioner
will now attempt to show to your Honor why
it will be to the interest of his words to make
said sale. and first ~~as to~~ said lands
are situated anything like a fair portion
thereof required the commissioners to run
the portion lines from the top of the ridges
to the top of the mountain or leucosteeve of
the tract which they did, and which makes
the several shores very narrow and ill conven-
ient especially to fences, and secondly one
of your petitioners as before shown resides
in Texas is married and desires very much
that her share should be sold and the
proceeds thereof invested in lands in the
State of her adoption and thirdly if said
lands are sold the sum which they will
realize put to interest will yield a larger
income than the rents and profits of said
land will yield. Now the object of this
portion is to obtain a decree for the

sale of the shores aforesaid laid off and
assigned by the commissioners in the
suit of James H. Jayne against Cynthia
H. Dorantt et al. to Samuel Jayne and
Minerva Charleill and also their heirs and
any interest in the dower laid off and assign-
ed to Martha Jayne widow of the said C. S.
Jayne deceased to this end he prays that
the said James H. Jayne may be required to
answer his bill making your petitioner a
party thereto and that your petitioner be allowed
to take proof, that ~~the~~ the guardian ad litem
of the said Minerva Charleill and Samuel
Jayne answer the allegations in this petition
and that upon a final hearing that a
decree may be rendered directing the
sale of said land and for general relief
your petition will further state that if said
children or either of them should die that
their heirs would be their brothers and sis-
ters all of whom are before the Court in
this suit. May it be.

Morrison & Diman
Attorneys for the Guardian &c
Virginia Lee County Court

This day John Jesse Guardian &c
personally appeared before me James
H. Orr Clerk and made oath that the
facts stated in the foregoing petition are

for as stated on his own knowledge on
true and so far as stated on informa-
tion derived from others he believes
them to be true Given under my
hand this 3rd day of December 1877
James W Orr. Clerk.

John Reese Amundson
vs Petitioner,
James H. Payne et als

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia

Humbly complaining your Petition
er. Samuel Jayne an Infant under the
age of 21 years to wit aged 19 years by John
Jayne his guardian & next friend and your petition
er G. W. Lehorville in his own right and as the
husband and next friend of his wife Minerva
Lehorville late Minerva Jayne who is also an infant
under the age of Twenty one years to wit aged 19 years
would respectfully show to your Honor That our
deceased S. Jayne was seized and possessed
in his lifetime of a valuable tract of land situated
in said County and lying on Wallers Creek
some 5 miles southwest of Foursville; That being
so possessed he departed this life intestate leaving
his widow Mrs. Martha Jayne who has since in-
termarried with one John S. Robinson and the
following children and heirs at law to wit
Levithia S. Jayne who intermarried with one R. B.
Dorant since deceased James H. Jayne Sam-
uel Jayne and Minerva Jayne who has since
intermarried with the said G. W. Lehorville to
whom said land descended, That down in said
lands have been laid off and assigned to the
widow of said deceased S. Jayne, and That
late James H. Jayne one of the heirs of said
deceased S. Jayne has filed his original bill
asking for a portion of said land among the

heirs of said Leclercq & Jayne that by a decree
of your Honore Court rendered and pronounced on
the 5th day of September 1877 in said suit commis-
sioners were appointed for the purpose of mak-
ing said partition, that said commissioners
pursuant to said Decree have made partition
thereof and filed on the 5th day of November 1877
their written report thereof assigning to each
of said heirs by metes and ^{their respective shares of said land} bounds, all of which
will fully and more at large appear by reference
to the bill and proceedings in the chancery cause
of James St. Jayne vs. Leuthin Dorvault et als still
pending in your Honore Court and in which suit
this partition is filed, by an inspection of the
report of said commissioners it will be seen that
said tract is very long from north to South ~~each~~
~~way~~ or extending from the top of Waller's ridge to the
top of Powell's Mountain, that said partition is made
lengthwise of said tract and must necessarily be
so made, in order to give to each share an equal a-
mount of the valuable land, hence the share laid
off and assigned to the said Samuel Jayne and
Minerva Leclercq are very long and extremely
narrow, in fact the share of the said Minerva
Leclercq is cut into two parts Now your petition-
ers represent to your Honor that the shares of the
said Samuel Jayne & Minerva Leclercq are
laid off adjoining each other and that they
would if kept together make a desirable lot

form but that if separated it will very materially
injure and impair the value of both. Your petition
or ~~Said~~ ^{Said} ~~prayer~~ would further show your Honor that
it is the wish and intention of the said S. H. Charles
vill and wife who are residents of the State of Texas
to sell their said share just as soon as the said
Minerva attains the age of 21 years. Which would
~~very~~ materially injure the share of the said Samuel.
Your petitioners are of opinion and therefore assert
that it will be injurious to the ^{value} ~~interest~~ of both the
shares to separate them and your petitioners are
further of opinion that it is greatly to the interest
of the said Samuel and Minerva to sell their
share of said land and invest the proceeds
thereof in other lands, but this they on advice
cannot be done without the intervention of a
court of equity. The premises considered their
prayer therefore is that the report of partition
made by John A. Warner Martin S. Payne and
William Payne be not confirmed so far as
it seeks to ~~make~~ partition between the said
Samuel and the said Minerva and that
a commissioner be appointed to ascertain whether
or not it will not be to the advantage of both the
said Samuel and Minerva to sell their interest
and their ^{and their} ~~own~~ ^{remuneration} interest in the dower of said ~~paynes~~ ^{paynes} ~~widow~~
in said land and invest the proceeds in other lands
That proof be heard That the plaintiff ~~and~~
~~his bill making your petitioners John~~
~~Anderson &c a party to said suit~~ and that

upon a hearing a decree be rendered directing
a sale of said lands and the investment of the
funds arising therefrom in other lands, and for
general relief. May 16.

Morison & Duncan

John James Buchanan et al
vs
B. Pittman

James H. Fayson et al

Filed Dec. 4th 1877.
James W. Orr, clk.

1/4 1382
1/4 28,47
1080

1620
2100
3600
2847
6147

62.97 Nov 7th to Nov 1879

at 1500

Balance - 5.00

22.97

Estimated 2.50

25.47

To the Honorable John A. Kelly Judge of the Circuit
Court of Lee County Virginia

The answer of Minerva Leckvill and Sam-
uel Jayne infants under the age of 21 years by
A. R. Surgenor their Guardian ad litem to a
bill filed against these respondents and others
by James S. Jayne, in this Honorable Court

These respondents saving the benefit of all
exceptions which can or may be had to the
complainant's bill for either errors of fact or law
for answer thereto says that his words are infants
of tender years unable of themselves to make proper
defense should they have any to make and unable
otherwise to advise him of such defense. He is
advised of no defense that it is proper for them
to make, but being advised that Courts of Chan-
cery are the peculiar guardians of the rights of
infants he confidently intrusts their rights
in the hands of your honor. Respondent is
advised and believes that the interest of said
infants will be promoted by a partition of
said land as sought in the bill and has
nothing to allege against it And now
having answered as fully as he dares it
Material for him to answer he prays to be hence
dismissed, &c.

A. R. Surgenor
Guardian ad litem for
Infant defendants

Virginia, Lee County, to wit.

This day A. R. Surgenor personally appeared before me and made oath that the facts stated in this answer are true to the best of his knowledge and belief.

Given under my hand Sept 4th 1877.

James W. Orr. clk.

James H. Payson
vs. Answer of
M. G. A. Co

Copy this & Destroy it

To the Hon John A Kelly Judge of the
Circuit Court of Lee County

Now About a defendant to a bill
filed and pending in your honorable
court against her ~~others~~ by James
H. Jayne comes and for answer states
that the statements in the plaintiffs bill
she believes to be true, and she has
no objection to the partition of the
land in the bill mentioned so stated
in the bill she purchased and is now
the owner of the interest which
descended to Cynthia A Savant and
she hopes that your honor will direct
by the decree rendered for partition that
her said interest be laid off against
ing the claim which she purchased
and upon she resides. This will
be convenient to her and cannot
prejudice the right of any others
and having now answered &c.

Hagan & Pickens

Rose Albee

at { Anson

Jos H. Joyner

To The Honorable John A. Kelly Judge
of the Circuit Court of Lee County, Virginia.

The Answer of Samuel Jayne, Jacob C. Davant
& Mary J. Davant infants, by J. H. Orr Jr. to a bill
in Chancery filed in your Honors Court, by John
Jayne et al against these wards & others.

In answer your Respondent says, that he
knows nothing of the truth or falsity of the
allegations in Plaintiffs' bill, and is advised
of no defense proper for him to make
as their Guardian in the said suit,
but this Court is a Court of equity,
and such Courts being the peculiar guardian
of the rights and interests of infants,
your respondent begs leave to place the
rights and interests of his said wards
into the hands of your Honor, knowing
that they will be there protected.

J. H. Orr Jr. D.C.
Guardian ad litem

Sworn to before me this 25th day of Nov. 1878.
James W. Orr. Clerk.

Samuel Jayne et als
vs. Geo. of S. A. L.

John Jayne et als

Filed at Deer River 1878.

Jas W Orr. Clerk.

Fee \$5.00

James H. Fayer
vs

Pett

Cynthia A. ^{Opportunity} ~~Black~~ it also Dfts
and

Samuel J. Fayer. & Minerva Charlinee.
On a petition in Chancery.

This cause and petition come
on again this day to be heard, upon the
papers formerly read the report of C. J.
Duncan Commissioner and duly filed therewith
and was argued by Counsel. And said
duly being seen and inspected by the Court
the same, and the report, accompanying
it together with the sale there reported
is confirmed. and the said James H.
Albert is allowed to withdraw said duly
from the files of said cause and have
it recorded in the proper duly book
of this county. And it is adjudged ordered
and decreed That A. R. Surgeson pay
said Commissioner Duncan five dollars for
making & executing this duly for which he
may have execution. and this cause is
stricken from the docket.

[Signature]

James H. Fayre

25 $\frac{3}{4}$ Decem fund

Cynthia A. Dravitt et al

Entered page 410

J. A. Hyatt & Co.

Enter this decem

In A. K.

Aug 29th 1884

John Jayne & others Pliffs
2nd 3 In chcy
Wm Jayne & others Dykes

This cause came on again this 4th day of April 1882 to be heard on the papers formerly read, the report of C.T. Duncan commissioner and deed filed therewith. This day filed in open court and was argued by counsel. and said deed being seen and and inspected by the court said report and deed are confirmed and said Purchaser when he shall have paid said commissi oner the sum of \$5.00 for making said deed is allowed to withdraw the same from the files of this cause, for recordation, and there remaining nothing else to be done in the cause except for the Commissioner to pay to Minerva Chorleville the sum in his hands going to her and to the heirs of Elizabeth Worron the sum in his hands going to them ~~which is~~ is directed to do as soon as he can said cause is stricken from the docket with leave to pay person to restate it if the same should be necessary.

John Jayne it als
75 3 Decree final
Wm Jayne it als

Entered Page 249.

J. A. Hyatt
Clerk

Enter this decree
In CAP
April 4th 1882.

John Jayne et als Petrs
vs. In Chancery.
William Jayne et als Defs

This cause came on again this 1st day of April 1882 to be heard upon the papers formerly read in the cause, the report of C.T. Duncan special commissioner and vouchers therewith, filed on the 16th day of March 1882. and was argued by counsel and it appearing to the Court that said report has been filed for more than 10 days before the first day of this term and that no exceptions have been filed thereto, said report together with the payments made by said commissioner as evidenced by the receipts filed with said report, is confirmed, and said C.T. Duncan who is hereby appointed a commissioner for the purpose will make to the purchaser a deed with covenants of special warranty to the land sold by him in this cause, and he will pay the sum shown to be in his hands going to Minerva Charleville & her husband, and take this receipt for the same and said commissioner will take such means as is in his power to find the heirs of Elizabeth Warren dead and where found he will pay to them the sum

due them and take their receipt for the same, he will
report his action to court and this case is
continued to a future day of this term.

John Payne et al
vs $\frac{2}{3}$ Deane

William Payne et al

Entered Page 244.

J. A. Hyatt
Clerk

Enter this decree
J. A. Hyatt
April 1st 1882.

John Jayne et al. Plaintiff

vs

J. In Chancery.

W^m Jayne et al. Defts.

This cause came on again this 28th day of August 1880 to be again heard on the papers formerly read therein and the report of Justice Duncan ~~com~~ filed on the 6th day of August 1880, and was argued by counsel. and it appearing to the Court that said report has been filed for more than 10 days before the first day of this term and that no exceptions have been filed thereto the ~~the~~ consideration thereof said report is confirmed, and the Commissioner making said sale is directed to collect the bonds executed to him for the purchase price of said land as they severally fall due, but before proceeding to make said collections he will give bond before the Clerk of this Court in a sum equal to double the amount of said notes conditioned to faithfully account for all money so received by him. and it is further adjudged ordered and decreed that the purchaser shall have writ of possession upon application to the Clerk for the same. and this cause is continued.

John Jayne et al
vs $\frac{3}{4}$ Diener
Wm Jayne et al

Aug. Term 1880

Entered page 128
W. H. Stickley D.C.

Enter This Diener

J. A. K.
August 28th 1880

James H. Payne.

Def

vs

3 In chancery.

Lezathia A. Davault et als.

Plts

On motion of said James H. Payne by John J. Jones Esq., Guardian and next of kin of said and G. W. Chorlewill in his own right and as the husband and next friend of his wife Minerva Chorlewill late Minerva Payne, leave is granted them to file their petition in this suit which petition is accordingly filed. Whereupon this cause came on again to be heard upon said petition, the papers heretofore read in the cause and the report of John A. Warner, Morton S. Payne and Willam Payne filed on the 6th day of November 1877, and was argued by counsel and ~~was argued by counsel~~. And it appearing to the court, that said report has been filed for more than ten days before the first day of this term, and that as to the shares laid off and assigned to Lezathia A. Davault and James H. Payne there is no exception, and the same appearing to be just and proper said report, is, as to the assignment and allotment made to James H. Payne, and Lezathia A. Davault for Rosa Albert confirmed and ~~it is adjudged~~ ordered and decreed that each of said parties take in severally the portions of said land allotted to them respectively by said report; that said report and plat and this decree so far as they refer to said two shares be recorded by the clerk of the county court of said county in the deed book as a memorandum of title for those entitled to said land as shown by said report. And it appearing to said court, by the petition herein

before referred to, that the ~~Residence of the said Samuel~~
 Jayne desires a sale of the share said off and assigned
 to the said ~~Minerva may be sold~~ and the proceeds thereof
 of invested in other lands and that the husband and
 next friend of Minerva Lehorvill desires a like dis-
 position of the share allotted and assigned to the said
 Minerva, and that they each desire a sale of the or-
 vernissary interest of the said Samuel and the said
 Minerva in the dower of the widow of said L. S. Jayne
 deceased and the court not being sufficiently advised
 of its judgment, it is therefore adjudged ordered and
 decreed that, that part of the report of the said John
 & Horner Martin & Jayne and William Jayne which
 pertains to the shares of the said Samuel Jayne & Minerva
 Lehorvill be recommended to them and they or dis-
 creted to inquire first whether said two shares can
 be procured without material injury and second
 whether or not ~~it will~~ it will not be to the interest
 of the said Samuel Jayne & Minerva Lehorvill
 to sell their two shares of said dower and their re-
 spective interest in the dower assigned to the
 widow of said L. S. Jayne deceased and invest the
 proceeds thereof in other lands and they will report
 their proceedings hereunder to the next term of this
 of this court ~~and by consent of parties the plain-
 tiff is allowed to amend his bill reading the said
 John for a Guardian to a party defendant to this
 suit which amendment is made at bar and the
 cause is continued till the next term.~~

Ent-
 James Jayne
 25th Decem
 Cynthia Davault et al

Ent page 720

James H. Payne

Pliffs

75

In chancery

Cynthia A. Davant et al.

Defts

And

Samuel J. Payne et al. - On a petition in chancery.

These causes came on again this 3rd day of December 1879, to be heard upon the report of C. T. Duncan Commissioner appointed by a former decree rendered in the causes to sell the lands of the infants petitioners. This day filed in open court and was argued by counsel. On consideration whereof the Court is of opinion that it is improper under the circumstances to accept either one of said offers, as a final sale of said land, but said Commissioner is directed to offer said land for sale at the front door of the Court house of Lu County, on the first day of the January term next of the County Court of said County. Starting the same at the bid offered by the said J. P. Albert dated 2nd day of December 1879, and if there is no higher and better bid he will accept the same upon the said bidder executing bond with good security for the deferred payments. The said Commissioner will require one half of the purchase price of said land to be paid down, and for the other half he will take bond with good personal security due two years from date bearing interest from date except a sum sufficient to pay any

one half the costs of the this petition and
 one half the costs and commissions of sale
 which he will require to be paid down. ~~he~~
~~will report his action to the next term of this~~
~~court and the cause is continued.~~ Said com-
 missioner will surrender up to W^m A. Bubb
 James St. Jayne & A. R. Surgen. Their two notes
 filed with his report but will retain the bill of
 the said J. P. Albert until after the sale of said land
 Said Commissioner will report his action
 hereunder to the next term of this court and the
 cause is continued.

James St. Jayne

vs

Le Grathin & Dammell
 1873
 and

Samuel Jayne et als

are a Petition

Levee

Costs Page 73.

Wm W. Orr, Clerk.

Wm
 J. P. Albert
 Dec. 4/79

John Jayne et als

Petz.

rs

In Chancery—

Wm Jayne Sen. et als -

Left

This cause came on this day to be heard upon the bill of the complainants and the exhibit filed therewith the answer of R W Orr Jun. Guardian ad litem for the infant defendants filed at December rules 1878 and was argued by counsel. And it appearing to the Court that process has been served upon each of the home defendants and that order of Publication was duly made posted published and completed ~~for more than~~ ~~30~~ ~~days~~ ~~before~~ ~~the~~ ~~first~~ ~~day~~ ~~of~~ ~~this~~ ~~term~~ and they each failing to appear answer plead or demur the bill is taken for confessed, On consideration whereof it is adjudged ordered and decreed That Henry J. Morgan Marion D. Richmond and Eli Davis who are appointed for the purpose do go upon the lands in the bill and proceedings mentioned and make partition thereof allotting and assigning to the heirs of R B Davant and the heirs of Moriah Davant such an equal moiety of said land having due regard to quantity and to quality. And after making said partition as aforesaid said commissioners shall ascertain whether or not the moiety

of said land laid off and assigned by them to the heirs of Mariah Davant is susceptible of partition among said heirs without material injury to their interest. and if in their opinion said lands are so susceptible of partition said commissioners will then proceed to lay off and assign to ~~Jacob Jayne & family~~ ~~the~~ Jayne Martin & Jayne and Eleanor Jayne each $\frac{2}{17}$ of said land to the heirs of Clarborne & Jayne $\frac{2}{17}$ to the heirs of Elizabeth Warren wife of Rodney Warren $\frac{2}{17}$. to the heirs of Henry wife of ^{Henry} ~~Mr~~ Henry $\frac{2}{17}$ to ^{Mr} Jayne sen $\frac{1}{17}$ to Abigail Dougherty $\frac{1}{17}$ and to the heirs of Catherine Sims wife of Martin Sims $\frac{1}{17}$. having due regard to quantity and quality and should said commissioners be of opinion that said ~~quantity~~ ^{quantity} of said land cannot be partitioned without material injury to the interest of said heirs they will report the same and their reasons therefor to the next term of the Court said commissioners will report their whole action under this decree to some future term of this Court and the cause is continued

John Jayne et al
vs
Deane
John Jayne et al

March Term 1879
Entered Page 28.
Jas M. Donnell.

Enter
J. M. D. K.
Apr 1879

John Jayne et al. Plffs

vs

In Chancery

Mrs. Jayne et al.

Defts

This cause came on this 2^d day of December 1879, to be again heard upon the papers formerly read in the cause and the report of Eli Davis Hurrell Morgan and Marion D. Richmond Commissioners appointed by a decree rendered in this cause on the 2nd day of April 1879, to partition the land in the bill mentioned between the heirs of R. B. Davault decd and the heirs of Moriah Davault decd, filed in said cause on the 21st day of November 1879, said was argued by Counsel, and it appearing to the Court that said report has been filed for more than ten days and that there are no exceptions thereto, on consideration whereof it is adjudged ordered and decreed that said report be confirmed and it is further adjudged ordered and decreed that the heirs of R. B. Davault take and hold the lots or parcels of land laid off and assigned to them by said Commissioners and designated on the plat and exhibit (A B) filed by said Commissioners with their report, by the letters & figures following to wit Beginning at & Thence to S. E. C. & C.

f. and thence to e of the mountain tract
and of the ridge tract the lot designated on
said Exhibit (A13) by the figures and letters fol-
lowing To wit commencing at 4 thence to 5
6. 7. and from thence to letter ^a and from thence
to figure 4. and that the heirs of Moriah
Devault took and hold the lot of said land
assigned to them by said Commissioners
and designated on said Exhibit (A13) by the
following letters and figures ~~following~~ to wit
1 2 3 4 a b c d f g h 19 and 1. and it is fur-
ther adjudged ordered and decreed that ~~and~~
the decree of the 2^d of April 1889. and so much
of the report and plat of said commissioners
as makes said partition and designates the
boundaries thereof together with ^{this} decree be re-
corded by the Clerk of the County Court of this
County in the proper deed book as a mani-
fest of title to the parties entitled thereto.
and it further appearing to the Court from
the report of said Commissioners that the
lot or parcel of said land laid off and
assigned to the heirs of Mariak De-
vault cannot be partitioned among them
without injury to their interests it is there-
fore adjudged ordered and decreed that
C. T. Dunsan who is appointed a commis-
sioner for the purpose after giving due

notice thereof in the in the Lee County Sun
and or by posting written notices thereof
as to him as before most advisable, for at
least 30 days before day of sale shall pro-
ceed to sell said land either publicly or
privately as he acting with the advice of
such of said heirs as are in this County may
deem most advisable, upon a credit of 6, 12
and 18 months ^{except costs & commissions which he will require} taking bond bearing inter-
est from day of sale, ^{for the deferred payments} with good personal
Security, and retaining a lien upon the
land until the purchase money is all paid.
and should said Commissioner deter-
mine to sell publicly he will make said
sale in front of the Court house door of
Lee County on some Court day and to the
highest bidder. he will report his action
hereunder to some future term of this Court
and it is further adjudged and decreed
that the heirs of R B Davant pay one half
of the costs of this suit accrued up to this time
and that the heirs of Moriah Davant pay
the other half thereof and the heirs of the
said R B Davant having no further interest
in it, it will hereafter be carried on for
the benefit and ^{to} the expense of the heirs of
the said Moriah Davant. And ~~this~~ ^{this branch}
of it is continued till the next time.

John Jayne et al
vs ~~3~~ Decree
Wm Jayne et al
Nov Term 1879

Entered page 71.
Jas W. Orr, Clerk.

Enter
for 24k
Dec. 4/79

James H. Payne.

vs.

Cynthia A. Dorant et als

And

Samuel Payne et als byrs. Pettr

vs.

Same

3 In Chancery

Defts

Defts

This cause came on this 3rd day of April 1878, ^{to be again heard} upon the papers formerly read and the depositions taken and entered in the cause. and the second report of Wm. Payne, John A. Warner and Martin J. Payne, ^{Special Commissioners} filed on the day of March 1878. and was argued by counsel and it appearing to the Court that said report has been filed for more than ten days before the first day of this term of the Court and that there are no exceptions thereto, the same is in all things confirmed. And it further appearing to the Court that it would ^{be} injurious to the interest of the said Samuel Payne and Minerva Chorleville to partition the shares in said land laid off and assigned to them. and it further appearing to the Court that it would be advantageous to the interest of the said Samuel Payne and Minerva Chorleville to sell their interest in said land and invest the fund arising therefrom in other lands or at interest until the petitioners shall attain the age of 21 years. provided the same can be sold at a price not less than the minimum price fixed by said

Commissioners in their report aforesaid. It is there-
fore adjudged ordered and decreed that L. T. Duncan
who is hereby appointed a commissioner for the pur-
pose do, after giving notice of the time place and
terms of sale by posting written notices thereof at the
front door of the Court House of said County ~~Florida~~
~~the~~ two other public places in said County for at least
20 days before the day of sale proceed to sell at public
out cry to the highest bidder. The said two shares of
the land, of which L. S. Jayne died seized, laid off and
assigned to the said Minerva Charleville and Samuel
Jayne. and also their undivided reversionary inter-
est in the dower assigned to the widow of the said
L. S. Jayne deceased provided that said commissioner
shall not accept any bid for said shares or for
~~their~~ reversionary interest of said petitioners in
the dower of said widow which is less than the min-
imum price fixed by said Commissioners in their
aforesaid report. Said sale shall be made upon
the following terms to wit for the share of the said
Minerva Charleville said Commissioner shall re-
quire to be paid down in cash the sum of \$300
and the residue he shall require to be paid by the
first day of January 1879. and for said deferred
payment he will take bond with good person-
al security bearing interest from date. He will
sell the share of Samuel Jayne on a credit of
three years taking bond therefor with good person

al security bearing interest from date except an
sum sufficient to pay one half of the costs of the petition
filed in this cause and one half of the costs and com-
missions of sale which he will require to be paid
down in cash. He will sell this over and above
interest in the widows down on a credit of one
two and three years ~~and will take~~ bonds therefor
with good security bearing interest from date
and he will report his action to the next term of
this court and the cause is continued.

15.
36. Nov 177
36.
36.
36.
36.
36. Dec 40
30. 2nd 100
36. Dec 60

\$2.97

Samuel Joynes et al vs
On Petition

Decree

March Term 1878

Entered on 13. Page 741

R. W. Carr Jr. Clerk

Ente
in 1878
ap. 3/78

James H. Payne.

vs

Petffs

In chancery

Lezithia A. Davault et als.

Defts

This cause came on this 5th day of September 1877. to be heard upon the bill of the complainant, the answer of Rosen Albert one of the defendants & the answer of Samuel Payne and Minerva Chorwill by A. R. Surgenor. This guardian ad litem also this day filed and was argued by counsel and it appearing to the court that Lezithia A. Davault has been served with process and that service has been accepted for G. W. Chorwill the other adult defendant & they each fail to plead or answer the bill is taken for confessed as to them. on consideration whereof the court doth adjudge order and decree that John Horner, J^r Payne & Mortimer S. Payne who are hereby appointed commissioners for the purpose do go upon the lands of which Claiborne S. Payne died seized among his heirs. In said partition said commissioners will have due regard to quantity and quality of said land. And it further appearing to the court that the defendant Rosen Albert is the owner of the dower interest in said land which was laid off and assigned to the widow of said Claiborne S. Payne and that she is also the owner of the interest which descended to the said Lezithia A. Davault The said commission-

ers will lay off the shore of the said Cynthia
A Dorantt adjoining the dower if the same can
be done without prejudice to the other heirs, and
they will report their action to the next term
of this Court till which time this cause is contin-
ued.

James H. Payne

vs. ~~James H. Payne~~
Dorantt

Cynthia Dorantt et al.

Entered Page 672

R. W. Con. J. O. C.

Butt
J. H. H.
Ex. 577

Virginia.

At a circuit Court continued and held for Lee
County, at the Court house thereof, on Wednesday the
5th day of Sept. 1877.

James B. Jayne
against

Cynthia A. Davault et als

Plff.

Defts.

In Chancery.

x x x x x On Consideration whereof the Court doth
adjudge Order and decree, that John Warner, Wm Jayne
& Martin S. Jayne, who are hereby appointed Commis-
sioners for the purpose, do go upon the lands of which Claiborne
S. Jayne died seized, and partition the same among his heirs.
In said partition said Commissioners, will have due regard to quan-
tity and quality of said land. And it further appearing
to the Court, that the defendant Rosa Scott is the owner
of the dower interest in said land which was laid off &
assigned to the widow of said Claiborne S. Jayne, and that
she is also the owner of the interest which descended to
the said Cynthia A. Davault, the said Commissioners will
lay off the share of the said Cynthia A. Davault assign-
ing the dower if the same can be done without prej-
udice to the other heirs, and they will report their action
to the next term of this Court, till which time the Cause
is continued.

A copy

Teste Robt. W. Orr J. D.C.

James H. Jayne,
vs } Copy of Deeds
Cynthia A. Davant
et als

1st Day Nov. Term 1877

Exempt

Thos. S. Ely, S. C.

Virginia.

At a Circuit Court Continued and held for
Lee County, at the Court House thereof, on Wednesday
the 2nd day of April, 1879.

John Jayne et als

Plffs.

against

Wm Jayne Sr. et als

Defts.

In Chy.

xxxxxxx On Consideration whereof, it is ad-
judged ordered and decreed that Henry J. Morgan
Marion D. Richmond & Eli Davis, who are appointed for
the purpose, do go upon the lands in the bill of proceedings
mentioned, and make partition thereof, allotting and
assigning to the heirs of R. B. Ravault and the heirs
of Mariah Ravault, each one an equal moiety of Said
land, having due regard to quantity and quality. And
after making Said partition as aforesaid, Said Commissioners
shall ascertain whether or not, the moiety of Said land
laid off and assigned by them to the heirs of Mariah
Ravault is susceptible of partition among Said heirs
without material injury to their interest, and if in
their opinion Said lands are so susceptible of partition
Said Commissioners will then proceed to lay off &
assign to John Jayne, James W. Jayne, Martin S. Jayne
& Eleanor Jayne each $\frac{3}{17}$ of Said land, to the heirs of
Claiborne S. Jayne $\frac{2}{17}$, to the heirs of Elizabeth Warren
wife of Rodney Warren $\frac{2}{17}$, to the heirs of Minney,
wife of Wm. Minney $\frac{2}{17}$, to Wm Jayne Sr. $\frac{1}{17}$, to Abigail
Daugherty $\frac{1}{17}$, and to the heirs of Catherine Sires,
wife of Martin Sires $\frac{1}{17}$, having due regard to quantity

and quality; and should said Commissioners be of opinion
that said moiety of said land cannot be partitioned
without material injury to the interests of said heirs
they will report the same, and their reasons therefor, to
the next term of the Court; said Commissioners will report
their whole action under this decree to some future
term of this Court, and the cause is continued.

A Copy

Teste. R. W. Orr Jr. Clk

John Jacques et al

vs
Estate of Alene

John Jacques et al

Next Term in Court

Executed
John B. B. 1820.

Virginia Lee County, S. Wit

John Payne et al

Ptffs.

vs.

In Chancery.

Wm Payne et al

Defts

This day Charles T. Duncan personally
appeared before me James W Orr Clerk &
made oath that Susan Copeland & Jacob
Copeland her husband Elizabeth Taylor
and M A Taylor her husband Eleanor Wood
and Vincent Wood her husband Janny Clark
and D C Clark her husband Mary Maloz
and J T Maloz her husband Hannah Jones
and Thomas Jones her husband Martin S
Warren Warren Warren J P Warren Minerva
Chorleville & G W Chorleville ^{her husband} Hannah Jones
and Samuel Jones her husband James M.
Lins. R. Johnson & Richmond Johnson
her husband defendants in the above styled
cause are not residents of the state of Vir-
ginia Given under my hand This 16th day
of September 1878.

James W. Orr clerk

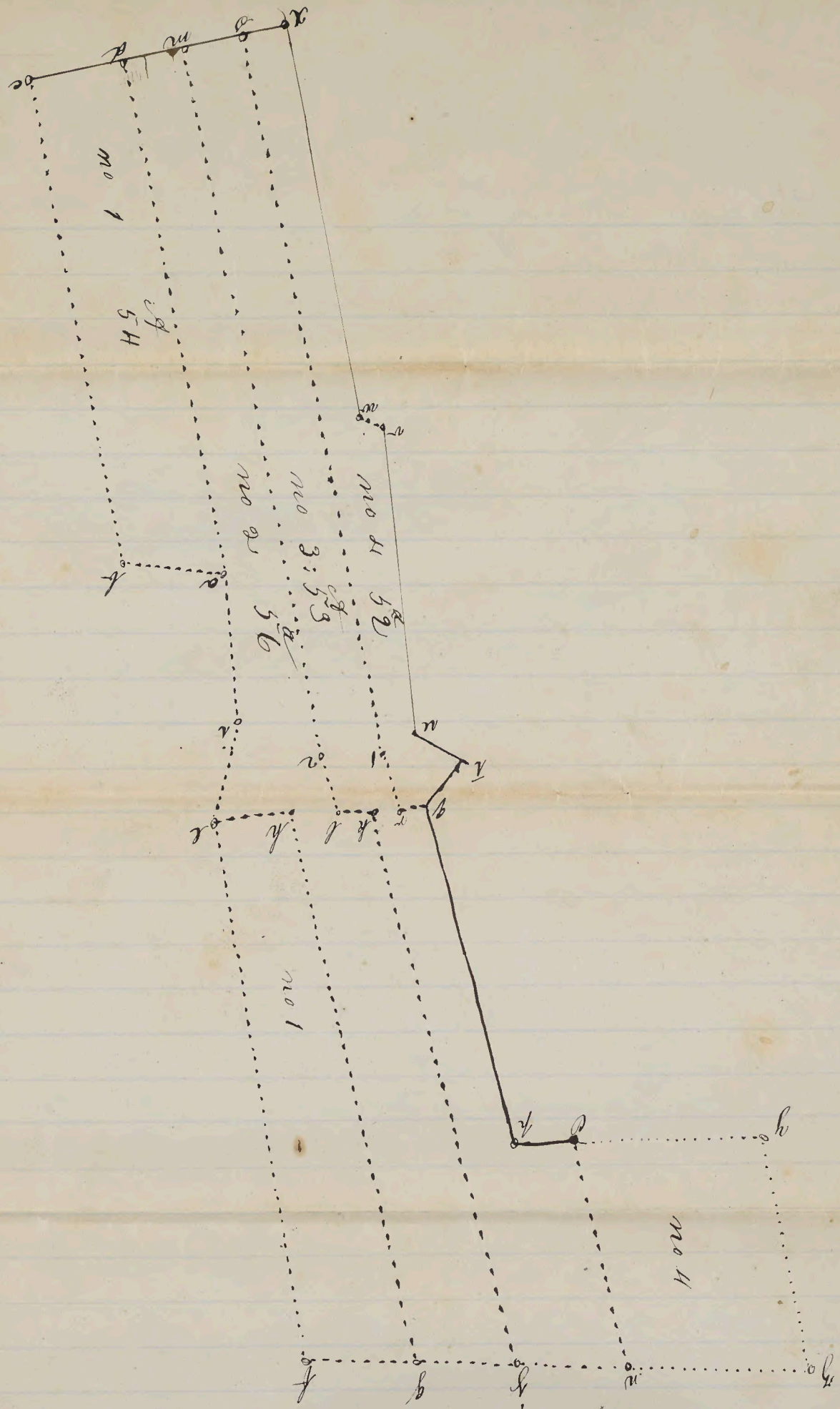
John Jayne et als
vs 3 Affidavit
John Jayne et als

To a sugartree Thence N 81 W 6 poles To a poplar thence
N 28 W 90 poles To 2 sugartrees on a bluff thence N 82 W
17 poles To Walens creek and up same N 12 E 20 poles To a
beech thence N 66 E 10 poles to beginning beginning of second
piece of same share on the maple and white oak thence
S 68 W 56 poles To a maple thence N 33 E W 72 poles to
ruggles line north same To stake of B share S 74 E to
beginning. The first and fourth shares are in 2 separate
parcels. first share a b c d & g h e f we assigned to Mrs
Rosa Albert second share h e i a d m v l k J g was
drawn by James H Sayne Third share m v l k J n o p
q r i s by Samuel Sayne fourth s i n g t u v w x
and n o y z by Manerva Charles The 2 3 4 share shall have
a water right in a spring at g and H share a right to way
of getting to his timber all of which is respectfully sub-
mitted.

John A Warner
Martin J Sayne
Wm Sayne

To The Hon John A Kelly

Pursuant an order of Circuit Court of Lee County made Sep the 5th 1877 directing the undersigned ^{land} commissioner J Jayne de proceeded on the 19 of Oct and continued from day to day to perform the duties assigned them in said order begining on a stake in a field near the edge of sugar orchard thence N 76 E 30 poles to a stake thence S 31 E 146 poles to top of fowels mountain thence westward with top of same 30 poles thence N 31 W 146 poles to begining this is the courses of first share on Mountain and does not join the other portion of same share ridge piece begining off a stake in wiggles line thence S 30 E 160 poles to a stake on the bank of walens creek thence N 66 E 22 poles to stake thence N 33 W 164 poles to wiggles line with same Eastward to begining second share begining on a stake in said line S 33 E 164 poles to stake on creek thence S 66 W 22 poles to stake thence S 13 E 30 poles to stake thence S 31 E 146 poles to top of mountain with top 17 poles thence N 31 W 211 poles to a stake thence N 34 W 38 poles to stake on creek thence S 66 W 10 poles to stake near stable thence N 35 E W to wiggles line and with same to begining 3 share bound on E by lines of 2 share westward with top of mountain 18 poles thence N 31 W 211 poles to stake thence N 34 W 38 poles to stake near creek ^{thence} S 66 W 15 poles to Simses ~~the~~ corner near a spring thence N 36 W 100 poles to 3 chestnuts on side of ridge thence S 68 W 19 poles to 2 maples and a white oak thence N 34 W to wiggles line and with same Eastward to begining 4 share bound on East by the other share from creek to top of mountain with mountain to Simses line thence N 33 W 116 poles to a



James H. Payne
vs. Court Report
Cynthia Vanantwerp's

Filed Nov 5th 1877.
James W. Orr, Clk.

John A. Warner \$7 00
Martin S. Payne 3 00
Wm. Payne 3 00
James F. Albent for chance carrying 2 00

James H. Payne
75-

Plf.

In. chancery

Cynthia A. Davault It als

Def't

To the Honorable John H. Kelly Judge
of the Circuit Court of Lee County Va.

The undersigned commissioners
in the above styled cause who had formerly
made partition of the lands of J. H. Payne and
reported their proceedings to a former term
of your Honore Court, and whose report so
far as it referred to the shares laid off and
assigned to Samuel Payne and Minerva
Charleville was by a decree of your Honore
Court rendered and pronounced on said
Cause on the 6th day of December 1877, on
the petition of the said Samuel Payne
and Minerva A. Charleville by G. W. Charle-
ville, her husband ^{recommended to them} and next friend, Would
respectfully report that by the terms
of said decree they made the following
inquiries as therein directed 1st Can the
shares allotted to the said Samuel Payne
and Minerva Charleville be partitioned
without material injury? In answer to
this inquiry, your Commissioners are
very decidedly of opinion that said two
shares cannot be partitioned without
very material injury, to each and especially

would the interest of Samuel Jayne be injured. The shares as it will be perceived by an inspection of the plat files with our original report are very long and narrow extending from the top of Wallers ridge to the top of Powells Mountain, and the share of Samuel is one of the inner shares.

Secondly Whether or not it would not be to the interest of the said Samuel Jayne & Minerva Lecharville to sell said two shares of said land and their reversionary interest in the dower heretofore assigned to the Widow of C. S. Jayne deceased and invest the proceeds in other lands? Upon this enquiry your commissioners are at greater loss to report intelligently, Unless they knew at what price the land could be sold. Your Commissioners are of opinion that said two shares of land are worth \$450 to \$500 ^{each} and are decidedly of opinion that if said land could be sold for the latter price that said sale would be beneficial to the owners, as these shares are situated, if separated from each other the owners could never farm them with any success or advantage. Your commissioners are of opinion that if \$450 or \$500. was judiciously invested in Texas lands the Home of Mrs Lecharville that

the same would in 5 years be worth double
her share of this land. And perhaps the same
would be so of Samuel's share if the money
for his share was invested here, or even if
his share should be sold and the money loan-
ed at compound interest. Your Commission-
ers are therefore of opinion as herein indicated
that if a sale of said shares can be made
at the price herein indicated. That ^{they will be} ~~they would be~~
As to a sale of their reversionary interest in
the dower assigned to their mother. Upon this
point your Commissioners beg leave to state
that the widow of said Col. Payne is compara-
tively a young woman being about 35 years
old. as your Commissioners are informed
said dower contains about 90 acres of land
worth as your Commissioners think about
\$10 per acre, or about \$900, at this valuation
the dower interest in said land would be worth
at present, according to Prof Wigglesworth's table
about \$219 - which deducted from value of
the land leaves the reversion worth \$691.
But your Commissioners judging from
the usual disposition of life Tenants could
not rate the reversion as high as that sum
in fact your Commissioners would regard
the reversionary interest will sold. at ^{\$125.00} ~~\$100.00~~
each ~~share~~ or at ^{of \$50,} \$400 ^{each} and if the said,

widow should attain anything like the probability of life which according to Prof Moivre would be 24.710 years (and this is less than Higgleworth's, his being $28\frac{22}{100}$ years) \$100 invested at 6 percent simple interest would be worth 247 at the death time of the probable death of the widow. Taking all the facts into consideration your commissioners are of opinion that if the reversionary interest of the said Samuel & Minerva in the dower of their mother can be sold for \$100, ^{each} that it would to their interest to sell the same. Your commissioners have taken no testimony but in lieu thereof went upon the cases and made an examination for themselves believing that in this way they could better arrive at a correct conclusion of the matter referred to them. All of which is respectfully submitted.

William Payne
John A. Warner

James D. Payne

to Com 2nd Report

Cynthia A. Cornwell

Samuel Payne to a
petition

Com 2d Report for making
the report. \$5.00

\$3.00. paid to Payne

Commissioners Office Jaccsville Va Nov 21 st 1879.

John Jayne & others Plffs.

vs.

William Jayne & others Defts.

In Chancery

To the Hon. John A Kelly Judge of
the circuit Court of Lee County.

By a decree of your Honor entered in this
cause on the 2nd day of April 1879, the undersigned
persons were appointed commissioners for the pur-
pose and were directed to go upon the land which
are the subject of this suit and to partition and
divide the same into two equal moieties as nearly
as possible taking into consideration quantity and
quality, and to assign one of said moieties to the
heirs of Russell B. Davanth, and the other to the heirs
of Mariah Davanth. And this last half to be again
subdivided if thought practicable and proper so to do,
into about 10 other lots or parcels - Seven of which were to be
assigned $\frac{2}{17}$ ^{ths} of said moiety, and the remaining three $\frac{1}{17}$ ^{ths}
thereof; On the 21st day of Nov. 1879 we went upon
the lands in question and after looking at them as best
we could with reference to the other lands owned by said
R. B. Davanth at his death, ^{their relative situation with reference to each other,} the quality thereof, and the
dwelling house and out houses situated thereon, We did
lay off and assign to the heirs of R. B. Davanth one
moiety of said land, and to the heirs of Mariah Davanth
the other, quantity, quality and said buildings considered
and we hereinto file as a part of this report a plat of all
the land owned or claimed by said R. B. Davanth at his death

marked (AB) which shows the outside boundaries of all said lands including the lands in question, and it also shows the boundaries of each separate tract or piece.

The land which is the subject of this suit was conveyed to R. B. and Mariah Davanth by James Jayne and a copy of that conveyance is filed as an exhibit by the Peffs with their bill. And by it he conveyed two separate and distinct pieces to them, one of which was estimated to contain 90 acres more or less, and the other 75 acres or less.

The first of these parcels actually contains about 106 acres, lies on the north side of Pavell's mountain, is rich and productive, and on it is situated near or in the center thereof, an excellent mansion house with other outbuildings. And the other contains according to our estimate about 96 acres, it lies on the south side of Wallins ridge and from the top thereof to Wallins brook at its base, nearly all of this tract is what we would call poor thin gravelly land.

Now by reference to said plat you will see the outside lines of the 5 pieces of land which said R. B. Davanth had possession of at his death see diagram and figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 1.

The two tracts on the south end of said plat marked respectively 73 acres, and 66 acres, and an other small tract containing 30 acres toward the north end of said plat called the Marion tract all belonged to the said R. B. Davanth and with which we had nothing to do, save to fasten the other two pieces with the proper reference thereto.

The tract of 106 acres conveyed by James Jayne to R B & Mariah Davanth and lying on the north side of Powell's Mountain is represented on said plat by the lines commencing at 1. thence to 8. thence to 9. thence to 19 and from thence to 1.

The tract of 96 acres lying on the South Side of Wallace's Ridge is represented by the following letters and figures 1, 2, 3, 4, 5, 6, 7, thence to A, thence to B, thence to C, thence to d, thence to figure 1.

Of the Mountain tract of 106 acres we assigned to the heirs of Mariah Davanth 54 acres and of the other tract 63 acres making 117 acres and the same is represented by the following figures ^{and letters} on said plat commencing at 1. and thence to 2, 3, 4, and thence to letter a, b, c, d, e, f, g, h, thence to figure 19 and from thence to figure 1.

Of the Mountain tract we assigned to the heirs of R B Davanth 52 acres on which is situated the mansion house, and this is shown on said plat, by the following letters and figures commencing at e, thence to 8, 9, h, g, f, and thence to a. And of the ridge tract we assigned to the 33 acres, which is represented on said plat by the following figures and letters commencing at 4, thence to 5, 6, 7, and from thence to letter a, and from thence to figure 1 the beginning.

The two parcels thus assigned by us to the heirs of R B Davanth contain in the aggregate 85 acres being 32 acres less than the two parcels assigned to the heirs of said Mariah.

But the heirs of R B Davanth got the mansion house which is a valuable one, and probably cost the said R B Davanth not less than \$2000.00, but which we for the purposes of this

partition only valued at the sum of \$500.00 One half of which we thought we ought to give in land to the heirs of said Mariah which we attempted to do, by assigning them 30 acres more of the ridge tract which we valued at \$150.00 and two acres more of the mountain tract, which we valued at \$40.00 and then as to quality we attempted to give them about \$60.00 the advantage, so that upon the whole, the cracked land considered we gave to the heirs of said Mariah about \$250.00 worth of land more, than to the heirs of said R. B. Davanth. But when the mansion house is considered along with the land we are of opinion that we have made as fair a division of the whole property as we possibly could, and that we have given to each about an equal share quantity, quality and annual rental value considered.

We are also of opinion that the two parcels of land assigned by us to the heirs of R. B. Davanth are more advantageous, to their ^{other} lands, than the parcels assigned to the heirs of the said Mariah, and this we think is particularly so with reference to their Marion tract which is shown on said plat E, the following letters and figures beginning at the figure 1, thence to 8, thence to d, thence to c, thence to b, thence to a, & from thence to 7, so that this and the two parcels we assigned them forms a long square body in the main, and as to the two other tracts which belonged to them the parcels we assigned them are about as conveniently situated with reference to them, as if we ^{had} given them their interest on the west side of the tract, but perhaps not more so.

We are of opinion that the moiety assigned by us to the heirs of Mariah Dewar can be divided among them according to the directions of the decree under which we are acting, but we at the same time believe that such a division thereof would materially injure each parcel thus divided and we therefore do not hesitate to recommend that the whole of these two parcels be sold in a body together, and we do this for the two following reasons as well as for others which might be assigned

1st. The two parcels taken together form in the main an oblong or long square, and would make a good home and productive farm for our common farmers, and in this light is quite desirable, and ought to sell well; and

2^{ndly}, Were the same subdivided into 80 parcels, each share would be so small that it would cost the worth of the land or nearly so to fence each parcel separately, and this would be particularly so as to the three who would get only $\frac{1}{4}$ each

Was this division undertaken, it would seem that each heir would be entitled to his or her due proportion of the productive and cleared land and a like portion of the poor and uncleared land, and such a division would necessitate the laying of it off rather north & south into long narrow strips ranging perhaps from 2 to 4 rods in width

Were the lands so divided as to make each parcel as nearly square as practicable, the same would have

to be subdivided east and west or comparatively so, & were this done, some of the heirs would get all good land without timber or water while others would get all poor & timbered land, or else the good land would have to be divided into 10 parcels & the poor and woodland into 10 parcels, which would only tend still further to diminish the value of each.

To the owners of the tract assigned to the heirs of Mariah Dawantz, we assign the use of one half the Spring situated near the mansion house, and the right of way to and from the same. This right of way is easterly along the Wallens Creek road to a point east of said Spring at the end of a ledge, or cliff, of rocks, & from thence a straight line to the Spring (See dotted line on plat.)

We file herewith two other papers marked AB & AD, which when taken together will show the outside line, course and distance of all the lands and the course and distance of each separate tract ^{tract} and parcel.

There is a fact connected with these lands not shown in the pleadings and to which we will simply refer, and it is this, James W. Jayne one of the Petors will testify that at or about the time his father James Jayne conveyed these two tracts of land to R. B. & Mariah Dawantz, that the said Rufell B. paid toward the tracts on the Mountain then supposed to contain 90 acres the sum of One hundred dollars, that said James Jayne then intended as a gift to his daughter Mariah 80 acres of said 90 acre tract, and he required the said Rufell B. to pay him for the 10 acres over and above that quantity.

Mr Jas W. Jayne also says that his father always stated to him, that the reason he conveyed to the two jointly was that said Rufell B. had paid toward the land \$100.00 and that he did not want to make two deeds, and but for said sum having having been paid by the said Rufell B, he should have conveyed both of said tracts to the said Meriah Davanuth.

The widow and heirs of said Rufell B Davanuth now claim that they are at least entitled to have the value of said \$100.00 laid off to them out of said land, and the residue then divided, but if we had done so we would have been acting outside of the decree which we did not desire to do. And then we thought it doubtful whether a court of equity looking at all the statements of the said James W. Jayne would interfere with said deed, and its legal effect independent of the facts which Jas W. Jayne would prove, Since the \$100.00 paid toward said land has secured to the widow and heirs one half in value of the entire two tracts

All which is respectfully Submitted

Eli Davis

M. D. Richards.

H. J. Morgan

} Commissioners

Bill of costs.

To Eli Davis for 5 days services in surveying Plotting &c	\$10.00
" Wesley Lambart Shoring corners carrying flag &c day	50
" Francis Mason for measuring 1/2 day &c	75
" Nathaniel Collins "	75
" H. J. Morgan " 1 day service writing this report	5.00

\$ 17.00

John Jayne & al

vs ^{Comme} Common Pleas

John Jayne & al

Filed Nov 21st 1879.

Jas W Orr. Clerk.

To the Honorable John A. Healy Judge of the
Circuit Court of Lee County Va.

James St. Jayne

vs.

In Chancery.

Cynthia A. Devane

And

Samuel Jayne et al on Petition

By a Decree of your Honor's Court rendered
& pronounced on the ^{3rd} ~~5th~~ day of April 1878
on the latter branch of the above styled Cause
~~the undersigned~~ was appointed a Com^r,
for the purpose was directed to sell the
interest in the land of Colaisma Jayne decd,
which descended to the petitioner Samuel
Jayne & Minerva Charville formerly Minerva
Jayne & which had been laid off & assigned
to them by decree in the first above styled
Cause & also their undivided interest in the
dower assigned to the widow of the said Colai
born S. Jayne, but your Com^r. was directed
by said Decree not to accept less than 450⁰⁰
each for the lots assigned to said petitioners
& not less than 100⁰⁰ each for their reversionary
interests in said dower. Your Com^r. has
found it impossible to get the sum thus fixed
by said Decree for said land, but is now
offered for the same - that is, for the entire in-
terest both in the land allotted & in the dower.

the sum of \$1050.00. Five Hundred & Twenty
five Dollars of which is to be paid by
the first day of June next bearing in-
terest from date & the remaining \$259
two years from this date bearing inter-
est from date. And your Com^{rs} ^{herewith} files
the notes of Will. Sargent & Co. James
H. Jayne & A. R. Surgenen marked "A"
& "B". And John Jesse who is the grand-
father & guardian of the heirs of Claiborne
Jayne recd. recommends that this bill
be ~~accepted~~, since writing the above
one J. P. Albert has filed with your
Commissioner as papers by which ^{marked (C)} which
it will be seen he proposes to pay
\$1075 for said land or \$2.5 more than
the bill above referred to. your Honor
is respectfully asked for instructions
as to any further proceedings. Mr Albert
is very good,

Respectfully submitted

C. T. Duncan Com^r

James H. Jayne

vs

J. Lachy.

Levathia A. Devauch

+ J. Report of Comm

+ J. C. L. Duncan

Sam'l. Jayne et al in Petition

Filed Nov 29th 1879.

Jas W Orr. Clerk.

Commissioners Office Jonesville V. May the 26th 1880
William Jayne Guardian v. Peff

vs.

James W. Jayne Adm. & al. Defts } In Chancery

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County.

By a decree entered in this cause on the 31st day
of March 1880, I was directed to ascertain and
report the amount of rents and profits in the hands
of James W. Jayne and C. J. Duncan which is due
to the heirs of Mariah Davanth, who they are, and
how much is due to each &c.

In ordinary cases, this would seem to be a very
simple and easy matter to arrive at, in this case
however it is not so easy and plain, as the simple
enquiry would seem to imply as I think you
will see in the progress of this report.

When Russell B. Davanth died, he was in the pos-
session of 5 contiguous pieces or parcels of land known as
his home farm. Soon after his death dower was
assigned his widow out of these 5 pieces of land in
a body together including therein the mansion house.

On all these 5 separate pieces there is some cleared
land suitable for cultivation, and for the years 1876 and
1877. James W. Jayne as guardian for two of Davanth's
heirs rented out all the cleared land not embraced
or covered by the dower assigned the widow and

for the years 1878, 1879, and 1880 Mc Dunean has done the same thing. and as to the year 1880 I shall perhaps have occasion to refer to it in particular hereafter.

Now although daves was assigned the widow with reference to the whole of the 5 tracts, it turns out that as to two of said tracts and they by far the most valuable the said R. B. Davault only owned one undivided half thereof, so that daves was assigned with reference to land not owned by R. B. Davault. and in fact I believe that the daves as assigned lay entirely on the two tracts in which said Davault owned only one moiety and did not touch either of the three tracts which in fact he did own, and thus this matter stood until last fall and last winter, when partition was made of said lands according to the rights of the parties, and daves reassigned the widow with reference to the lands really owned by said Davault.

The said Davault had been twice married, his first wife was the daughter of James Jayne Sr. and it was by him that said two tracts ^{of land} was conveyed to said Davault and Mariah his first wife, who died without children, so that her undivided half thereof descended to her brothers and sisters and their descendants.

I now file herewith marked (A B) a plat of all of said 5 tracts or parcels and of each separate piece or tract

The 73 acre tract, the 66 acre tract, and the 30 acre tract shown by the black lines are the three tracts owned by R. B. Davanth, and the two tracts shown by the double Red lines, are those conveyed by said James Jayne Sr. to said Davanth & Mariah his wife, One of which lies on the north side of Howells Mountain and contains 106 acres and the other lies on the south side of Mullins Ridge and contains 96 acres, and the dotted line running through these two tracts, shows the line by which they were recently partitioned between the heirs of Russell B. and Mariah Davanth.

The mountain tract containing 106 acres is by far the most valuable and is perhaps worth as much, if not more than all the others, on it is situated an excellent mansion house with other good out buildings and all the valuable buildings are on it together with an excellent Spring. On this tract there is about 93½ acres of cleared tillable land, and on the ridge tract about one and a half acres of cleared land, making on these two tracts about 95 acres of cleared tillable land on the two tracts conveyed by Jayne to Davanth & wife, while on the three tracts owned by said Davanth there is only about 40 acres of cleared tillable land so that upon the whole 5 tracts there is about 135 acres of cleared land.

Of the 95 acres of the cleared land on said two tracts in the partition thereof recently made, the heirs of Mareah Davanuth got about 50 acres, and the heirs of R. B. Davanuth about 45 acres, so that the widow and heirs of the latter now have 85 acres of cleared land and the mansion house while the heirs of Mareah have about 50 acres of cleared land.

As the dower was first assigned the widow, she got out of the mountain tract of 106 acres, about 28½ acres of cleared land and the mansion house, and about 1½ acres of cleared land, being all there is in the ridge tract, making about 30 acres of cleared land in the dower which the widow has held used and occupied for the years 1876, 1877, 1878, and 1879, and this left to be rented out for the same period by Mr. J. W. Jayne and Mr. Duncan about 105 acres of cleared land. and I now file herewith marked (A6) Mr. J. W. Jayne's deposition showing substantially the facts herein referred to.

I have been thus particular in these details in order that the two sets of heirs, the widow and creditors may have a fair clutter before the court as to any errors, or supposed errors into which I may, and am likely to fall, in attempting to adjust this matter of rent.

From what has been said it is seen that the widow has held and used as dower for four years land, only one half of which was owned by her husband.

land, only one half of which was owned by her husband

5

and this being so, is she liable to account to the heirs of Mariah Davant for the value of one half the rent thereof for said period? And if so, would she have the right to demand out of the rents in Mr. Payne & Duncans hands a sum sufficient to make her share equal to what her dower is in fact worth? And if this course is adopted, then how is the balance in their hands to be apportioned among the two sets of heirs? These are questions easy to ask, but not quite so easy to answer in a practical way, on paper, so as to show the answer to be fair and just.

Col. Pridemore suggests an idea which is not without some force, and that is, that as the dower in this case was assigned by the heir or heirs that the widow only took what they gave, that it was not her duty to look and see that they did not give what they had no right to dispose of, and all parties having acquiesced in their action for four years, that the widow cannot now be called upon to account for any part of the land so held by her as dower for said four years. And to adopt this view no great injustice would be done any party, since it must be conceded that the widow was certainly entitled to dower in all the lands owned by her deceased husband, during that period as well as the present year. The only difference is, that she had the use of a little more land those four years, than she will hereafter have, but this difference is too small to undertake to adjust it

Now as the widow during said four years held as dower about 30 acres of cleared land, it follows from what has already been stated, that it left 105 acres of cleared land to be rented by Mr. Jayne and Mr. Duncan during said four years, and that is about the quantity according to Mr. Jayne's estimate thereof, and for this 105 acres Mr. Jayne for the year 1876 realized \$210.00 due March the 1st 1877. and for the year 1877 he realized \$220.00 due March the 1st 1878. And according to Mr. Duncan's reports filed in this cause he realized or is to realize for the year 1878 \$200.00 due January 1st 1879. for the year 1879 he is to realize \$167.50 due January 1st 1880.

Last winter dower was again assigned the widow out of the lands belonging to the heirs of R. B. Davanuth alone and as thus assigned it covers a part of the land which had theretofore been rented by Mr. Jayne & Duncan and before said assignment was made Mr. Duncan had rented out for the year 1880 the same lands heretofore rented to Nace Collinsworth for \$165.00 in money due January 1st 1881. and \$10.00 to be paid in repairs on the premises, this years renting seems to have been done in October 1879. and the land being in the possession of said Collinsworth under his contract. when dower was last assigned the widow he declined to give her the possession of it, and by this means she has been

deprived of her proper dower for the year 1880.

Since said two tracts have been partitioned between the heirs of R. B. + Mariah Davanuth nearly or quite all the cleared land covered by the first dower was left for a while unoccupied for the use of the heirs of Mariah Davanuth, as the portion assigned them embraced nearly all the former dower. The widows we have seen having been deprived of dower as above stated, for the present year, Mr Duncan with the consent of some of the heirs of Mariah Davanuth leased to Mr Babb, the husband of the late widow, the land covered by her former dower for the year 1880 but he does not pay a cash rent therefor, and is to give or pay a third of the crops whatever that may be, and this of course will be something ^{in addition} to the \$165.00 before referred to as the rent for this year, but this cannot now be ascertained and if it could be ascertained, then as to this year a new or different principle would have to be adopted, for it is certain, that Mr or Mrs Babb, will come in for their share of this years rents. But it occurs to me that the whole matter may be now settled without any very great injury to any one, and I would suggest this as the course to pursue rather than leave this years rent wholly unadjusted, let Mr Babb have the use of the land he is cultivating this year free of charge, and the two sets of heirs take the \$165.00 and by doing so the whole matter may be now settled and this course I believe I will pursue and if the parties

are not satisfied therewith they can but insist to be
allowed to worry each other over a very small sum
for small it is bound to be and will not in my
opinion pay for the labour and trouble it will require
to ascertain and fix their exact and precise rights

Now we have already seen that deising said four
years and we may now say five that 105 acres of
land has been rented for the benefit of the parties interested
and by the recent partition between the heirs of R. B. and
Mariah Dawsent we have seen that the heirs of the
latter have been assigned about 50 acres of the cleared
land and if this ought to be regarded as a fair divide
and I think it is, then in order to ascertain the rights
of the two sets of heirs in the funds in Mr. Faynes &
Mr. Duncans hands all we have to do is to ascertain
the precise fund in their hands respectively or
jointly, and then divide the same into 105 equal
parts, and give to the heirs of R. B. Dawsent 55 parts
thereof, and to the heirs of Mariah 50 parts thereof
and these of course to be again subdivided to meet the
rights and interest of all, and this course in my
opinion will substantially attain the ends of justice
as between these parties and that course I shall
pursue as nearly as I can

I now file herewith marked (A.D.) another paper on which I have stated the account of James W. Jayne as guardian for the two heirs of R. B. Davenport's deed. This account is brought down to September the 1st 1880 at which time there is or ought to be in his hands as such guardian the sum of \$447.45 after allowing him credit for 5 per cent commission, and for the taxes on said land for the years 1876 and 1877. the former amounted to \$18.29 and the latter to \$10.56 and it is proper here to state that the taxes for the year 1876 had been credited to Mr. Jayne by Mr. Orr in his administration account, but I thought the taxes should be paid out of the rents in as much as there are two sets of heirs claiming rents, and that the same ought not to be paid by R. B. Davenport's estate alone, and that was the effect, it had by giving the credit in the administration account, and I having given credit for it here Mr. Jayne ought to be charged with that sum in his said administration account, in addition to what is there shown to be due from him.

According to the plan laid down for the settlement of this matter of rent, between the two sets of heirs of said sum of \$447.45 in the guardians hands on the first day of Sep 1880. the heirs of R. B. Davenport are entitled to \$234.37.77 and those of Mariah \$213.07.77.

Following the statement of the guardianship account
I have made 6 Special Statements in order to show
the names of all the heirs and the sum due each.

R. B. Davanth leaving but 2 children the wards
of Mr. Jayne, said sum of \$234.37 being equally
divided between each of them, will give to each one
\$117.18 $\frac{1}{2}$, which is shown in Special Statement No. 1

Mariah Davanth had 7 brothers and sisters of full
blood, and three of half blood, and said sum of
\$213.07 $\frac{1}{2}$ being divided among them will give to
the 7 of full blood \$25.06 $\frac{12}{17}$ to each, and to the three
of half blood the sum of \$12.53 $\frac{6}{17}$ to each all which
is shown in Special Statement No. 2

Three of the full blood and one of the half blood
having died leaving children and grand children
the sum due or which would have been due the deceased
parents, has to be subdivided between their several
children, and Special Statements No. 3, 4, 5 & 6. Shows
this distribution

The names of the two children of R. B. Davanth, are
Mary J. and Jacob C. Davanth.

The names of the brothers and sisters of Mariah Davanth
are and were, John, James W., Martin S. Eleazer, Leaburne
S. Elizabeth, Lucy, Wm., Abigail and Catharine Jayne

The first 7 are full, and the last three half blood.

The said Elizabeth Jayne married Rodney Warren she is now dead and left 10 children whose names are and were, Susan, Elizabeth, Eleanor, Jenny, Mary Hannah, Martin S. Benj^d H. Mariah and John B. Warren, this last one is dead, but he left one son whose names is Jas. P. Warren & he is entitled to his fathers share.

The said Susan intermarried with Jacob Cofeland. the said Elizabeth with Mark A. Taylor, Eleanor with Vincent Wood, Jenny with B. B. Clark, Mary with T. J. Maloy and Hannah with Thomas Jones.

The said Claraburne Jayne died leaving 4 children whose names are and were, Cynthia James H. Minerva, and Samuel Jayne.

The said Cynthia first intermarried with said R. B. Davanth, and is now the wife of Wm. Babb and the said Minerva married G. W. Charleville.

The said Lucy Jayne married William Muncy & died leaving three children namely James J., Hannah and Elizabeth Muncy.

The said Hannah Muncy married Samuel Jones and the said Elizabeth, Nathaniel Southern,

The said Catharine Jayne married Martin Sims by whom she had three children & died, to wit James M. John D. and Mary Sims.

The said Mary Sims married Samuel Buschett
by whom she had one daughter R. J. Buschett and then
died, and the said R. J. Buschett has married a
man by the name of Richmond Johnson, and
these are the generations of men & women ^{& children} connected
and interested in this suit. as this deponent is informed

I now file herewith another paper marked (A E) which
is a statement showing the amount of rents in Mr
Duncans hands or which will be due when collected
due the heirs or creditors, after deducting commission
and the taxes on said land, so far as the same have been
paid by Mr Duncan. This statement is brought down
to Sept 1 1880 and in it is included the rents for this
year of \$165.00 but as to this sum shown to be in his hands
which ^{is} not due until Jan 1 1881, he should not be charged
with interest thereon until after that time

This statement of Mr Duncans account contains the
same number of Special Statements and is made
upon the same principle of that of Mr Jaggas, and
except that I have not so stated it as to make the
accruing interest bear interest, and it shows the
sum due each set of heirs, and the sum due each
individual heir, including brother & sister & half brother & sister
and all the collaterals whether near or remote,

The creditors of R. B. Davault, I learn are setting up a claim to the ~~estate~~ fund in Messrs Jaynes & Duncan's hands, but this claim I do not think they can sustain. The heirs of R. B. Davault are likewise claiming the entire fund, as I am informed for the reason as against the heirs of Mariiah Davault, that the latter did not assert their right to any part of the land until during the year 1877, and about the latter end of that year their share of the land was allotted to them, and this claim I do not think can be sustained, and as to the heirs of Mariiah Davault they only claim a due proportion of the rents in the hands of Messrs Jaynes & Duncan, and this their claim I think is well taken and is sustained by the law of the land.

The widow is always entitled to one third of the rents and profits until dower is assigned her, and the heirs as I conceive are entitled to their due proportion of rents and profits until such time as the creditors shall take the necessary steps to appropriate such rents and profits to their use, and as that was not done in this case until Mr Duncan took charge of the land, I am therefore of opinion that the two heirs of R. B. Davault are entitled to receive the \$234.37 shown to be due them in Mr Jaynes' hands, and that the residue of the fund in his hands of \$213.07 must be paid to the heirs of Mariiah Davault as shown in Special Statements.

And as to the fund in Mr Duncans hands I am of opinion that the creditors of R B Davault and the heirs of Mariah Davault are entitled to the same, and that of that fund the creditors are entitled to \$273.75 and the heirs of Mariah to \$248.87 and this last sum to be distributed among the brothers and Sisters and half brothers and Sisters and their descendants as shown in said several Special Statements following Mr Duncans account of assets.

I have now disposed of all matters referred to me by the decree under which I have been acting in the manner shown or indicated in this report and while perhaps it may not do entire and complete justice to all, yet I think it approximates that fairly, and that is about as much as ought under the circumstances to be expected.

All which is respectfully submitted

Henry J. Morgan Bond.

The creditors of R B Davault deceased ~~except~~ to so much of the report of H J Morgan Commissioner in this case as goes to said Heirs. of R B Davault the sum of \$234.37 shown to be in the hands

of James H. Payne Guardian of said infants
The Court by its decree in this case pronounced
and entered on the day of
having directed said rents to be paid to the
Creditors and besides said rents all assets
descended to said heirs, which the Creditors
have ~~an equal~~ ^{the same} right, to appropriate to their
debts as they do the lands from which said
rents arise -

Aug 31st 1880

Morison & Duncan
for the Creditors

William Jayne Grand

vs. Thomas R. Smith

James W. Jayne admitted

Filed July 4th 1880.

James W. Orr clk.

40. 2.0

Commissions fee \$21.00

Fee bill

John Jayne & others

Defts

28

By Le Chancery.

Wm Jayne & Others

Defts

To the Honorable John H. Kelly Judge of the Circuit
Court of Lee County Virginia

Pursuant to a decree rendered and pronounced
in the above styled cause on the 4th day of
December 1879. The undersigned who was appointed
a commissioner for the purpose. after first giving
notice of the time place and terms of sale as required
by said Decree. aforesaid. on the 20th day of April
1880 that being Court day of said for sale at the
front door of the Court house in Jonesville the lands
laid off and assigned to the heirs of Moriah Da-
vantz in the partition of the lands of R.B. & Moriah
Davantz. and J. P. Albert being the highest and
best bidder the land was knocked down to him
at the price of Nine hundred Twenty one & 85/100 dollars of which
he paid down in cash the sum of \$ 92.89. and
executed his note for \$ 828.36 the residue thereof
payable in 6. 12. & 18 months bearing interest
from date, with J. H. Albert as security. This
note is perfectly good and the sale a very fair
one. of the sum paid down to me I retained
my fee as attorney & commissioner of sale
amount together to the sum of \$ 42.44 I paid
to Thomas S. Ely Sheriff \$ 700 his fee. and
file his receipt for the same Moved (1)

to Eli Davis his fee as Commissioner \$10.00
 his receipt for which is here with filed marked (2)
 to Charles Willoughby Editor of Sentinel for
 publication \$5.00 his receipt for which is here
 filed marked (3) to J. H. Orr. Clerk of the bill for
 \$6.47 his receipt for which is here filed marked (4)
 and to J. H. Orr as representative of Pitt Orr for
 the Guardian advertisement for \$5.00 his receipt
 for which is here with filed marked (5) to H. J.
 Morgan his fee as Comptroller \$5.00 his receipt for which
 is here with filed marked (6). which comes in
 my hands for estimated costs ^{of chain carriers} the sum of \$12.00
 all of which is respectfully submitted

Aug 4th 1880.

C. T. Duncan Comr

John Jaynes it is
 vs-
 Comr Report.

Paid
 Payment it is

Filed Aug 6th 1880
 J. R. Shepley

(copy)

Received of C. T. Duncan ~~less~~ in The Chancery
Cause of John Jayne et als vs Wm Jayne et als.
One dollar & fifty cents amt of claims of
Francis Morison & A Collingworth for carry-
ing the chain in the partition of these
lands in said cause - This Jun 21st 1890
Wm A^{his} Collingworth
more

F. R. Stickley

Francis Marion^{etal}

To $\frac{1}{2}$ Rept

to J. Duncan

John Payne & others

vs

William Payne.

In Chancery

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County, Va.

The undersigned who was by a decree
of your Honorable Court heretofore rendered
in the above styled cause to collect the
purchase price of the lands of Mariah Dorant
sold in said causes hego leave to report
that the note he was thus directed to collect
was for the sum of \$328.36 due in three equal
installments of 6, 12, & 18 months bearing inter-
est from date

1st installment due Oct 20th 1880. \$276.12

Six months interest. 8.28

2nd installment due Apr 20 1881. 276.12

12 months interest. 16.56

3rd installment due Oct 20th 1881. 276.12

Eighteen months interest. 24.84

Making total sum to be collected. 878.04

All of which has been collected.

Now this sum was to be divided into eight and
one half parts. This being seven full, and
three half shares. It follows then that each
full share is entitled to receive out of said
fund the sum of \$108.82. and each half
share the sum of \$54.41.

Of these sums I have paid to James W. Jayne his full share, \$103.32 his receipts for which are here with filed. Moved 1. to Eleanor Jayne her part \$103.32 her receipts for which are here filed moved (2) to Martin S. Jayne his part \$103.32 his receipts for which are here filed moved (3). to the heirs of Lucy Murrey, to wit J. Murrey, Hannah Jones (formerly Murrey) and Samuel Jones her husband, and Eliza with Southern formerly Murrey, & Nathaniel Southern her husband \$103.32 their part. Their receipts for which are here filed moved (4) to John Jayne \$103.32, his part his receipts for which are here filed moved (5) to the heirs of B. S. Jayne to wit Cynthia A. Bobb & her husband W. A. Bobb, James H. Jayne & Samuel Jayne 3 of said heirs, the sum of \$77.49, their receipts for which are here filed moved (6) the part of Minerva Charleville & her husband to wit \$2083, is still due & in my hands. The share of the heirs of Elizabeth Warren formerly Jayne, \$103.32 is still in my hands and I have not yet been able to find said heirs. This is all the full shares in said fund I have paid to Wm. Jayne half share, his part \$1,666 his receipt for which is here filed moved (7) to Abigail Doughterty \$5166 her share her receipt for which is here filed moved (8)

To the heirs of Catherine Sims to wit
James M. Sims John D Sims, R J Johnson
& her husband Their part of \$5166 This receipt
for which are here filed marked (9).

The purchasers of said land desire a deed
and are entitled to it, and your commis
sion recommends that one be made to
them. Respectfully submitted.

March 15th 1882.

C. T. Duncan Comr

John Jayne & others
vs $\frac{1}{3}$ Receivers Report

Wm Jayne & others

Filed March 16th 1882

J. A. Hyatt
Clerk

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Va.

The undersigned who was by a
decree of your Honors Court ordered &
pronounced on the day of
1882 in the Chancery cause of John Jay
et al vs Wm Jayne & others to convey by
deed with Special warranty the land
in the bill and proceedings in said cause
mentioned, heretofore sold by him to
J. P. Albert, the purchaser begs leave to
report that he has performed the duty
thus assigned him, and he files said
deed properly acknowledged, herewith
as part hereof marked D, and it so
there is now nothing remaining to be
done in said cause except to pay to
the heirs of Elizabeth Worner death the
sum in said Commissioners hands
and the sum to Minerva Chorliffe
the sum due her said cause might
be stricken from the docket with leave
to said Commissioner when he pays
said sum to said parties to report the
same to Court, and have himself dis-
charged by a proper order.

Respectfully submitted

C. T. Duncan Com

John Jayson et al

75-3 Report & deed

Wm Jayson et al

Filed Apr 1, 1882

J. A. Hyatt
clerk

for which are now in his possession
the balance that is still due from said
Surgener is therefore going to your honor
The other half \$644.26 going to Samuel
Jayne has been fully paid by Mr Surgener
to Mr Jayne whose receipt for the
same is also in the hands of your honor.

Mr Surgener has since that time
sold this land to one James F. Abbott
to whom he desires it shall be con-
veyed. And as Mr Surgener
is amply good for the balance
due to your Commissioner on said
land, and the said Surgener's
Vendor desiring a deed your
Commissioner has executed one
and here files it as part of this
report and when said Sale and
deed are confirmed there is nothing
further to be done in this case
and it may be stricken from
the docket.

Aug 29 1884 Respectfully Submitted
C. T. Duncan
Clerk

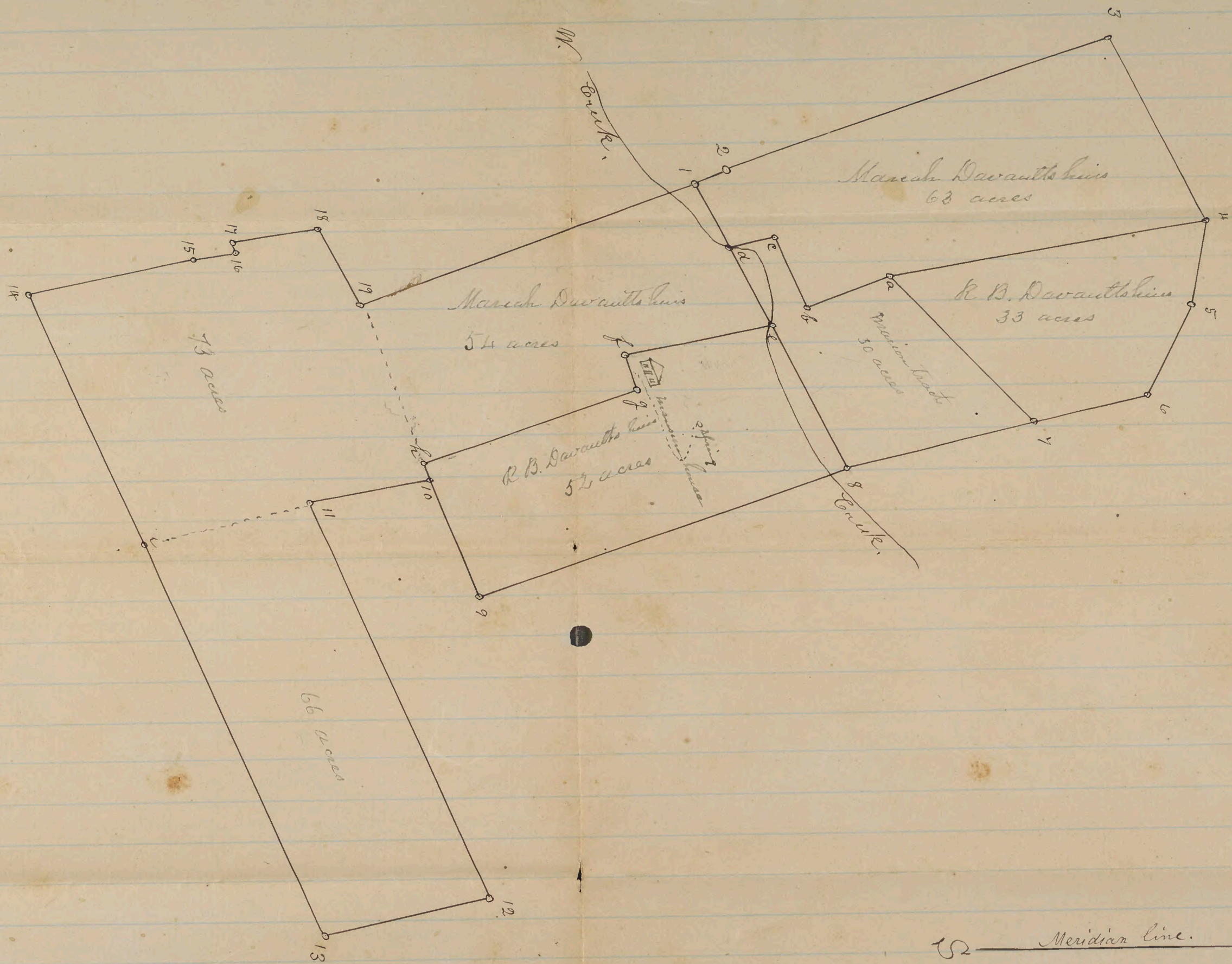
James H. Fayou
vs $\frac{1}{3}$ Report.

Cynthia A. Dorantt et al

Filed Aug. 1887
J. & G. Hyatt
Co.

Plot of Duwault's Land.

(A B)



This Indenture made this day of May in the year of
our Lord one thousand eight hundred and fifty eight
between James Jayne Sr of the County of Lee and State
of Virginia of the first part, and Russell B. Devant
and Mariah his wife of the County and State aforesaid
of the second part. Witnesseth - that the said James
Jayne Sr. for and in Consideration of the sum of one
thousand dollars good and lawful money of the United
States, to him in hand paid, the receipt whereof is hereby
acknowledged, do grant, bargain, sell and deliver unto
the said Russell B. Devant, and Mariah his wife, a certain
tract or parcel of land supposed to contain about
Ninety Acres, be the same more or less, lying and
being in the County and State aforesaid, on the wat-
ers of Wallens Creek. Bounded as follows: Beginning
at a large poplar, a corner to Smyth's Survey, N 60° E 102
poles to a corner of Benjamin D. Martin's land, thence S 30°
E with said Martin's line 148 poles to a corner of said Martin's
thence S 65° W 102 poles to a stake, thence N 20° W to the
Beginning. Also one other tract containing seventy
five acres, be the same more or less, lying on the
south side of Wallens Ridge. Beginning on a large poplar
it being the same that is specified as the beginning of
the above boundary, thence N 25° W 12 poles to a black wal-
nut, thence N 20° W 154 poles to three Chestnuts on top of
Wallens ridge, and intended corner of a dividing line
between Martin Jayne and said Devant, thence with and
upon a line of a tract of land purchased by said Jayne

from Richardson to a poplar and Chesnut, a corner to land
of William Marous, thence with and along line of William
Marous to a line of Samps's Survey, thence S 60° W 102. poles
to the beginning, together with all and singular appur-
tenances, to have and to hold the said tract or parcel
of land with all and singular appurtenances to the
sole use and behoof of him the said Russell B. Devant
and Mariah his wife &c forever, and unto the only
proper use and behoof of him the said Russell B. Devant
and Mariah his wife forever. And the said James Jayne
Sr. for himself and his heirs doth hereby Covenant, grant
confirm and release by these presents unto the said
Russell B. Devant and Mariah his wife against him
the said James Jayne Sr. and his heirs well warrant
and forever defend, by these presents, In witness whereof
I the said James Jayne Sr. have herewith subscribed my
name and affixed my seal, the day and year first
above written. Sealed and delivered in presents
of

James Jayne (Seal)

Lee County, Va.

I William Marshall a Justice of the Peace for the County
aforesaid in the State of Virginia do certify that James
Jayne Sr. whose name is signed to the writing within
bearing date on the 13th day of May 1858, has acknowledged
the same before me in my County aforesaid. Given under
my hand this the 15th day of May 1858.

William Marshall J. P.

Virginia.

At a Court begun and held for Lee County,
at the Court House thereof, on the 18th day
of May 1858.

This Indenture of bargain and sale for land between James
Jayne Sr. of the one part, and Russell B. Devant and
Mariah his wife of the other part, admitted to record upon
the Certificate of Justice of Lee County.

Teste - J. W. S. Morrison C. C.

A Copy

Teste - R. W. Orr Jr. D. C.

L. B. Davenport wife
From Zephyr of Reed
James Jayne Sr.

1/1

\$525.00

By the first day of June next with interest from date we or either of us bind ourselves, heirs &c to pay Charles S. Duncan, Comptroller in the Cause of James H. Jayne against Samuel Jayne and others, the sum of Five Hundred & Twenty five Dollars for value Received. And as to this obligation we each waive the benefit of our Homestead Exemption. Witness our hands & seals this the 2nd day of December 1879.

William H. Babbs Seal
James H. Jayne Seal
A. R. Surgeon Seal

"A"

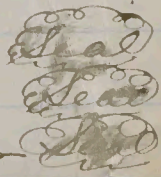
"A"

\$525.00

Two years after date with interest from
date we or either of us bind ourselves, heirs
&c to pay Charles S. Duncan, Com^r. in the Cause
of James H. Jayne against Samuel Jayne & others
the sum of Five Hundred & Twenty five Dollars
for value received. And as to this obligation we
each waive the benefit of our Homestead
Exemption. Witness our hand & Seals this 2nd
day of Dec^r, 1879

William A. Babb

James H. Jayne
A. R. Surgeon



"B"

I will give for the land that is the
two lots, and the two interests in the
down \$1075.- and will pay \$600 on
the 1st day of Jan'y, 1880. and will
give bond with good security for
the \$475.- payable in two years
before my interest from date
Given under my hand this
2 day of Decr 1879
J. P. Albert

(6)

Received of C. F. Duncanson Court in the chy cause of
John Jayne et als against ~~Wm~~ Jayne et als, Seven dollars
my fee for services in said cause, Apr 20th 1880.

Thos. S. Ely & L. L. Le

J.S. Gley Sheriff
to 3 Rept.
C.T. Duncan Comr

(11)

Received of C. T. Duncan Commissioner in this
Chancery cause of John Payne it also vs. Mrs. Payne
it also. ~~Less~~ dollars my fee for services as a
Commissioner in partitioning the lands ~~between~~ in
said suit between the heirs of R. B. Davant &
Moriah Davant both deceased This 20th day
of April 1880

Eli Davis Com.

Ch Davis
To & Rept.
C. T. Suncow Com

(2)



Jan

Recd. Dec. 22 1879. of Atkalin
Jaguar five dollars. the publi-
cation fee in ^{city} court of John
Jaguar et al vs. A. Douglas
& others.

Chas. McLoughly,
Pubr. Sentinel

6 Willoughby
y. B. Rept.
6. J. Sun can come

(2)

Two years after date, with interest from date we bind ourselves heirs & jointly and severally to pay C. T. Duncanson Commissioner in the Chancery Court of James & Payne vs Cynthia & Davant & others and the case of Samuel Payne & another on petition the sum of \$4 hundred and forty four dollars and twenty six cents Value received in land and as to this obligation we each waive the benefit of our homestead exemptions Witness our hands and seals This 20th day of January 1880.

I H. T. Payne Secy
A. M. Surgenor

Amount of purchase	\$1350
Deduct cost, paid	61.47
Notes due 2 years -	\$1288.53
To be paid down	644 26 $\frac{1}{2}$
Jan'y 23. Deduct cost paid	\$644 26 $\frac{1}{2}$
Balance due	43.53
	\$600.73 $\frac{1}{2}$

5/11/18

Received of C. T. Duncan commission
in the Chancery cause of Jst Jayne
vs. Cynthia A. Dorant it also and Samuel
Jayne & another are petition two dollars
and 97 cents (\$2.97) my costs on said
petition. this 20th day of Jan'y 1880.

James W. Cox Clerk.

Minerva Chuckville & J. P. Payne

To Wm. Payne Comr.

To this sum for partitioning lands of C. S. Payne 3.00

" " " " Valuing lands. " $\frac{3.00}{\$ 6.00}$

Received of C. S. Duncan Comr. in the Chancery
court of James & Payne vs Cynthia Abbott
and Samuel Payne & Minerva Chuckville
on Petition \$4 dollars, for my services as
above and for having said report written
this 12th day of December 1882.

William Payne Comr.

Mr. Jayne

To Right

G. T. Damon

Received of C. T. Duncan Commissioner in
the Chancery cause of John Jayne & others against
William Jayne & others, five dollars my fee as
Clerk of the Commissioners of partition in said
cause, this 1st day of July 1880.

Henry J. Morgan

$$\begin{array}{r}
 3 \overline{) 828.36} \\
 \underline{276 } \\
 828.36
 \end{array}$$

$$\begin{array}{r}
 276.12 \\
 \underline{1686.72} \\
 27612 \\
 17 \overline{) 292.68} \quad 17.21\frac{1}{2} \\
 \underline{17} \\
 122 \\
 \underline{119} \\
 36 \\
 \underline{34} \\
 28
 \end{array}$$

$$\begin{array}{r}
 2000 \\
 \underline{1721} \\
 279
 \end{array}$$

Virginia, In the Clerk's office of the Circuit Court of Lee
County, the 27th day of Sept. 1878.

John Jayne et als

against

Wm Jayne Sr. et als

Plffs

Defts

In Chancery

The object of this suit is to partition the lands of which
R. B. Navant decd seized and possessed among those
entitled thereto, or to partition and sell the same.

And it appearing from an affidavit filed in
the Cause, that the defendants Susan Copeland
& Jacob Copeland her husband, Elizabeth Taylor &
M. A. Taylor her husband, Eleanor Wood and
Vincent Wood her husband, Jennie Clark & R. B.
Clark her husband, Mary Maloy & J. T. Maloy her husband,
Wannah Jones & Thomas Jones her husband, Martin S.
Warren, Marion Warren, J. P. Warren, Minerva Charville &
G. W. Charville her husband, Wannah Jones & Samuel Jones
her husband, James M. Sims, R. J. Johnson & Richard
Johnson her husband are non residents of this State.
It is therefore ordered, that they appear here within one
month after the publication of this order, and do what
is necessary to protect their interests in this suit.

A copy

Teste - James W. Orr Clerk

Morrison & Duncan, P. Q.

I certify that on Monday the first day of the October
term 1878, of the County Court of Lee County, I posted a copy
of the above order at the front door of the Court house of said
County. Given under my hand Oct. 7th 1878.
James W. Orr, Clerk.

John Jayne et als

vs. Lecky and Pub.

Mr Jayne & et als.

Copy to Sentinel,

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Susan Copeland + Jacob Copeland her husband Elizabeth
Taylor + M. Taylor her husband, Eleanor Wood + Vincent Wood her husband, Jenny
Clark + D. C. Clark her husband, Mary Malayo J. T. Malayo her husband, Hannah
Joyes + Tho. Joyes her husband, Martin S. Warren, Marion Warren, J. P. Warren,
Cynthia A. Babbo + M. Babbo her husband, Minerva Charleville + J. W. Charleville her
husband, James H. Payne, Simel Payne, Jacob C. Sawant, Mary J. Sawant, James J. Mumay,
Kernal Joyes + Simel Joyes her husband, Elizabeth Southern + Nathaniel Southern her husband,
Asquith Daugherty, Wm. Joyce, Jr. John D. Lewis, Jr. M. Lewis, R. J. Johnson + Richmond Johnson her hus-
band

to appear before the Judge of the ^{circuit} ~~County~~ Court of Lee County, at the Court House, in the Clerk's Office, at

against ^{Now} them by John Jayne; James W. Jayne Martin
S. Jayne + Eleanor Jayne

And have then there this writ.
this 23rd day of

WITNESS, JAMES W. ORR, Clerk of our said Court, at the Court House,
Sept., 1878, in the 103rd year of the Commonwealth.

J. W. Orr Jr. DC

mod

John Jayne et al
vs ~~James~~ Spanky.

Wm Jayne Sr et al

Nov. Rules 1878.

Exempt by delivering Cops of the
within to the following named
Persons to wit

Synthia A Babb
Wm Babb
James H. Jayne
Samuel Jayne
Jacob C. Cavault
Mary J. Cavault
James H. Munn
Elizabeth Southerland
Isaac Southerland
Abigail Daugherty and
Wm Jayne Senr.

Thos Saly Ld.

The Commonwealth of Virginia,

To the SHERIFF of Lee County---Greeting:

We COMMAND You to Summon *Ezra A. Dovault*

Rosa Albert Samuel Jayne Minerva Lehorvill
and *G. W. Lehorvill* her husband

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in
the Clerk's Office, at *August* Rules next, to answer a bill in Chancery,
exhibited in our said Court, against *them* by *James S. Jayne*

And have then there this writ. Witness, James W. Orr, Clerk of our said Court, at
the Court-House, this *1st* day of *August* 1877, in the 10 *our* 2 year of
the Commonwealth.

R. W. Orr, Jr. D. Clerk.

James H. Jayne
vs { Shairley

Cynthia A. Davault
et als

Aug. Rules 1877

We accept the legal
service of the within sum-
mons. Aug 1st 1877.

Cynthia A. Davault

Rosa, Albert

Teste.

James W. Jayne

Accepted for service for A. W. Schumacher Aug 1st 1877

POSITIVELY THE LARGEST CIRCULATION OF

VIRGINIA :—In the Clerk's office of the Circuit Court of Lee county, the 27th day of Sept., 1878.

JOHN JAYNE et als, Plff's. }
 against } In Chancery.
 WM. JAYNE, sr. et als, Defts. }

The object of this suit is to partition the lands of which R. B. Davault died seized and possessed, among those entitled thereto, or to partition and sell the same; and it appearing from an affidavit filed in the cause that the defendants Susan Copeland and Jacob Copeland her husband, Elizabeth Taylor and M. A. Taylor her husband, Eleanor Wood and Vincent Wood her husband, Jennie Clark and D. C. Clark her husband, Mary Maloy and J. T. Maloy her husband, Hannah Jones and Thomas Jones her husband, Martin S. Warren, Marion Warren J. P. Warren, Minerva Charlottesville and G. W. Charlottesville her husband, Hannah Jones and Samuel Jones her husband, James M. Sims, R. J. Johnson and Richard Johnson her husband, are nonresidents of this State. It is therefore ordered that they appear here within one month after due publication of this order and do what is necessary to protect their interest in this suit.

A copy—T. sic. JAMES W. ORR, Clerk
 (Oct 14w85) *Morrisson & Luncan P., Q.*

business, and could not if they would. Five liquor houses for the most part are closed and provision stores as a rule are empty. The greatest need is provisions, clothing, dry-beans, and medicines. The best thing

OF ANY NEWSPAPER IN S. W. VIRGINIA.

LEE COUNTY SENTINEL,

Democratic. \$1.50 a Year,

Charles Willoughby, Owner & Editor.

Gonesville, Va.,

187

I hereby certify that a chancey order of which the annexed is a copy, was printed four successive weeks in the "Lee Co. Sentinel," a weekly newspaper published in the Commonwealth of Virginia. Publication ending today Oct. 25, 1878.

Charles Willoughby, Pub.

John Jayne, et als.
w } Robt. Carlisle -
3 }
James Jayne et als

THE COMPTON & CO. PRINTERS